**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention of the Civil Aspects of International Child Abduction] /**

**[Council Regulation (EC) No. 2201/2003] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children]**

**(delete or adapt as appropriate)**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

**ORDER MADE BY [*NAME OF JUDGE*]ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**IMPORTANT WARNING TO [*APPLICANT NAME*] OF [*APPLICANT ADDRESS*]**

**If you [*applicant name*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**If any other person who knows of this order and does anything which helps or permits you [*applicant name*] to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

**IMPORTANT WARNING TO [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*respondent name*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**If any other person who knows of this order and does anything which helps or permits you [*respondent name*] to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

**The parties**

1. The applicant is [*applicant name*] who [attended] / [did not attend] court today

The respondent is [*respondent name*] who [attended] / [did not attend] court today

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**Recitals**

1. Undertakings have been given by [the applicant and] the respondent as set out in [Annex A] [and Annex B] attached to this order.
2. The undertakings given [and orders made] constitute binding and enforceable obligations in this jurisdiction and it is intended that the said undertakings should also constitute binding and enforceable obligations in [*State to which the child(ren) is/are being returned*].
3. The undertakings [and orders] constitute ‘measures’ for the purpose of article 23 of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. **(delete if the state to which the child is being returned is not a signatory to Hague Convention 1996)**
4. Nothing in the undertakings referred to above shall constitute any admission by either party as to any allegation made by the other, or shall be intended to bind or otherwise influence the courts of [*State to which the child(ren) is/are being returned*] in any future determination of matters of welfare concerning the child[ren], other than a hearing prior to the first on noticehearing.
5. [*Insert agreement to the child[ren] being voluntarily returned.*]

**IT IS ORDERED THAT:**

1. The child[ren], [*child(ren) name(s)*]shall be summarily returned to [*State*]forthwith and by no later than[*date*], pursuant to Article 12 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, by [*name of person who will be returning the child(*ren)].
2. The Tipstaff shall forthwith release all passports and other travel documentation currently in [his] / [her] possession in respect of the respondent and the child[ren] to the applicant’s solicitors. The applicant’s solicitors shall then deliver up the documentation to the respondent immediately before the respondent and the child[ren] board a direct flight back to [*State*]for the purpose of returning the child[ren] to [*State*], in accordance with paragraph [7] / [*para number*] of this order.
3. The Port Alert and all injunctive provisions contained within the [Collection] / [Location] / [Passport] Order dated [*date*]shall remain in full force and effect, save that such provisions as are necessary shall be lifted so as to allow the return of the child[ren], in accordance with paragraph [7] / [*para number*] of this order, and all such provisions shall be discharged once the respondent and child[ren] have left this jurisdiction in accordance with paragraph [7] / [*para number*] of this order.
4. The [applicant] / [respondent]’s solicitors shall provide copies of the flight tickets purchased for the [applicant] / [respondent]and child[ren] for the purpose of effecting the return of the child[ren], in accordance with paragraph [7] / [*para number*] of this order by [*date*]*.*
5. There shall be permission to the parties to disclose this order and the papers filed in these proceedings to any lawyers that they may instruct in [*State*]in respect of any current or future proceedings in relation to the parties and/or child[ren].
6. A penal notice shall be attached to the [applicant] / [respondent]’s undertakings set out above.
7. There shall be liberty to the parties to apply as to the implementation of this order and undertakings set out below on short notice [such notice to be not less than 48 hours to the other parties, unless due to the urgency of the situation it is not appropriate to give 48 hours’ notice].
8. [There shall be no order as to costs.] / [There shall be a legal aid detailed assessment of the [applicant] / [respondent]’s costs.] / [The [applicant] / [respondent] do pay the costs of the [respondent] / [applicant] summarily assessed at £[*amount*]to be subject to a detailed assessment, if not agreed. The costs shall be paid by [*date*] / [14 days from the date of assessment].] / [[*Legal representative name*], the [solicitor] / [counsel] for the [applicant] / [respondent] shall pay to the [respondent] / [applicant] wasted costs assessed at £[amount].]

Dated [*date*]

**ANNEX A**

**(undertakings to be deleted, adapted and/or added to as appropriate)**

**The applicant undertakes as follows:**

* 1. Not to institute or voluntarily support any proceedings, whether criminal or civil, for the punishment of the respondent arising out of the removal of the child[ren] to England and Wales on [*date*]and the subsequent retention of the child[ren] in England and Wales since [*date*]to date;
  2. Not to seek to separate the respondent and child[ren], pending the first *inter partes* hearing in a Family Court in the [*State*]seized of welfare issues relating to the child[ren];
  3. Not to harass, molest, pester, use or threaten to use violence against the respondent, on a without admissions basis, pending the first *inter partes* hearing in a Family Court in the [*State*]seized of welfare issues relating to the child[ren];
  4. To not make any applications without notice to the respondent, pending the first *inter partes* hearing in a Family Court in the [*State*]seized of welfare issues relating to the child[ren].

**ANNEX B**

**(undertakings to be deleted, adapted and/or added to as appropriate)**

**The respondent undertakes as follows:**

* 1. To inform the applicant at least 48 hours before the return of the child[ren], in accordance with paragraph 1 of this order, as to where [he] / [she] and the child[ren] will be residing once there has been a return, together with a contact number on which [he] / [she] can be reached;
  2. To lodge the child[ren]’s passport[s] with [*name of foreign solicitor/third party/parent*] within 24 hours of the return of the child[ren], in accordance with paragraph 1 of this order;
  3. To make the child[ren] available for contact with the applicant as follows [*insert*], pending the first *inter partes* hearing in a Family Court in the [*State*]seized of welfare issues relating to the child[ren];
  4. To not make any applications without notice to the applicant, pending the first *inter partes* hearing in a Family Court in the [*State*]seized of welfare issues relating to the child[ren].

**Notice pursuant to PD 37A para 2.1**

You [*applicant name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant name*] [signed on [his] / [her] behalf by [*applicant firm name*]]

**Notice pursuant to PD 37A para 2.1**

You [*respondent name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*respondent name*] [signed on [his] / [her] behalf by [*respondent firm name*]]

Dated [*date*]